

# Permitting decisions

## Variation

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We have decided to grant the variation for Scanmetals (UK) Limited operated by Scanmetals (UK) Limited.

The variation number is EPR/QP3237YA/V002.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

### Purpose of this document

This decision document provides a record of the decision making process. It:

- highlights [key issues](#) in the determination
- summarises the decision making process in the [decision checklist](#) to show how all relevant factors have been taken into account
- shows how we have considered the [consultation responses](#)

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit and the variation notice. The introductory note summarises what the variation covers.

# Key issues of the decision

## Particulate Matter and Oxides of Nitrogen

As the applicant was proposing a substantial change to activities and emissions on the site we required them to assess these emissions with our [H1 air emissions risk assessment](#).

The air emissions from the site consist of:

- NO<sup>2</sup>
- Particulates PM<sub>10</sub>
- Particulate PM<sub>2.5</sub>
- CO
- NO<sub>x</sub>

These are emitted from:

- 2 dust filtration units serving the treatment and storage locations
- 1 dust filtration unit serving rotary natural gas fired dryer

Emissions of PM<sub>10</sub> and Oxides of Nitrogen did not prove to be below 1% of the short term PC or below 10% of the long term PC limits in the [H1 air emissions risk assessment](#) and so did not screen out as insignificant. Therefore the applicant was required to carry out detailed dispersion modelling. The resulting model and accompanying report used worst case scenario parameters to assess the impact of emissions within the area around the site. They compared the PEC with the Environmental standards (ES) and concluded that there are no predicted PEC exceedence of short-term or long-term Environmental Assessment Levels at the point of maximum ground level impact or at relevant exposure locations for any of the scenarios assessed.

The model provided by the applicant has been subjected to assurance checks by us. We have validated the results and agree with the applicant's conclusion that the emissions will not exceed Environmental standards (ES) for the surrounding human receptors and will be insignificant for designated habitats.

## Decision checklist

Aspect considered	Decision
<b>Receipt of application</b>	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential.
<b>Consultation/Engagement</b>	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <p>Public Health England</p> <p>Local Planning Authority</p> <p>Environmental Health</p> <p>Food Standards Agency</p> <p>Health and Safety Executive</p> <p>The comments and our responses are summarised in the <a href="#">consultation section</a>.</p>
<b>The facility</b>	
The regulated facility	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN 2 'Defining the scope of the installation', Appendix 1 of RGN 2 'Interpretation of Schedule 1'.</p> <p>The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.</p>
<b>The site</b>	
Extent of the site of the facility	<p>The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility including the emission points. The plan is included in the permit.</p>
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p>

Aspect considered	Decision
	<p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p> <p>We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.</p> <p>See key issues section above.</p>
<b>Environmental risk assessment</b>	
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p> <p>The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment, all emissions may be categorised as environmentally insignificant.</p> <p>See key issues section above.</p>
<b>Operating techniques</b>	
General operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p>
Operating techniques for emissions that do not screen out as insignificant	<p>Emissions of PM<sub>10</sub> and oxides of nitrogen cannot be screened out as insignificant. We have assessed whether the proposed techniques are BAT.</p> <p>Emissions of pollutants that did not screen out in our H1 emissions assessment were taken through detailed dispersion modelling. The model showed that the substances that did not screen out will not exceed any environmental assessment limits therefore we agree that the applicant's proposed techniques are BAT for the installation. No emissions limits have been set. See keys issues section above.</p>
Operating techniques for emissions that screen out as insignificant	<p>Emissions of PM<sub>2.5</sub> and CO have been screened out as insignificant, and so we agree that the applicant's proposed techniques are BAT for the installation.</p> <p>We consider that the emission limits included in the installation permit reflect the BAT for the sector.</p>
<b>Permit conditions</b>	
Updating permit conditions during consolidation	<p>We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit(s).</p>
Raw materials	<p>We have specified limits and controls on the use of raw materials and fuels.</p>

Aspect considered	Decision
	We have set a limit on sulphur content within fuel oil and gas oil in line with BAT recommendations.
Waste types	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>We are satisfied that the operator can accept these wastes for the following reasons:</p> <ul style="list-style-type: none"> <li>• they are suitable for the proposed activities</li> <li>• the proposed infrastructure is appropriate; and</li> <li>• the environmental risk assessment is acceptable.</li> </ul> <p>Clarification was required around waste code '19 12 03 Non-ferrous metals'. It became clear that this code would be limited to waste streams derived from IBA, which had come from sites that had pre-treated them to remove some of the non-ferrous metals and some of the ash from their original slag/ bottom ash based waste code. These sites are coding the waste stream as 19 12 03, however it actually constitutes the remaining non-ferrous metals from the IBA of a particle size too small for them to recover as well as some remaining IBA. The operator can recover these fractions and so the intention is further processing at this site to grade/recover the smaller fraction of the non-ferrous metals from the residual aggregate. After an assessment of the site's circumstances regarding this waste code it was agreed that it could be incorporated into the permit without the need for an additional waste activity as the waste stream still constitutes IBA. A limit has been put into table S2.2 to ensure the 19 12 03 accepted at this site is derived from and contains IBA.</p>
Improvement programme	<p>Based on the information on the application, we consider that we need to impose an improvement programme.</p> <p>We have imposed an improvement programme to ensure that: an updated site closure plan will be provided in writing to the environment agency for approval.</p>
Emission limits	<p><b>ELVs have been deleted for the following substances.</b></p> <p><b>Emissions to Air:</b></p> <p>Gas Flow m<sup>3</sup>s<sup>-1</sup></p> <p>Oxides of nitrogen (as NO<sub>2</sub>) mg Nm<sup>-3</sup></p> <p>Sulphur dioxide mg Nm<sup>-3</sup></p> <p>Hydrogen Chloride mg Nm<sup>-3</sup></p> <p>Carbon monoxide mg Nm<sup>-3</sup></p> <p>Volatile Organic Compounds (as carbon) mg Nm<sup>-3</sup></p> <p>Dioxins (ITEQ) mg Nm<sup>-3</sup></p> <p>Fluorides (as HF) mg Nm<sup>-3</sup></p> <p>Phosphorus (as P<sub>2</sub>O<sub>5</sub>) mg Nm<sup>-3</sup></p> <p>Copper and its compounds (as metal) mg Nm<sup>-3</sup></p>

Aspect considered	Decision
	<p>Zinc and its compounds (as metal) mg Nm-3</p> <p>Lead and its compounds (as metal) mg Nm-3</p> <p>Cadmium, arsenic, nickel and their compounds taken together (as elements) mg Nm-3</p> <p><b>Emissions to Surface Water:</b></p> <p>Suspended Solids mg l-1</p> <p>pH max</p> <p>pH min</p> <p>Cadmium and its compounds (as Cd) mg l-1</p> <p>Nickel and its compounds (as Ni) mg l-1</p> <p>Copper and its compounds (as Cu) mg l<sup>-1</sup></p> <p>Lead and its compounds (as Pb) mg l<sup>-1</sup></p> <p>Zinc and its compounds (as Zn) mg l<sup>-1</sup></p> <p><b>ELVs have been amended for the following substances.</b></p> <p>Particulate matter- No visible Dust emissions</p> <p>This permit is being varied to change the activity to an IBA treatment facility from a discontinued ingot smelting facility. It was these smelting activities that warranted the ELV's set for emissions to air and surface water.</p> <p>No emission limits other than particulate matter have been set for the new activity as air emissions have been modelled showing no environmental assessment levels will be breached (see key issues section). No limits have been set for the discharge to surface water as this is now only for clean roof/yard run off from a site where all activities are contained within buildings with sealed drainage systems. A consolidated permit has been issued to reflect the current operational status of the site.</p>
Monitoring	<p><b>We have decided that monitoring should be deleted for the following parameters:</b></p> <p><b>Emissions to Air:</b></p> <p>Gas Flow m3s-1</p> <p>Particulate mg Nm-3</p> <p>Oxides of nitrogen (as NO<sub>2</sub>) mg Nm<sup>-3</sup></p> <p>Sulphur dioxide mg Nm-3</p> <p>Hydrogen Chloride mg Nm-3</p> <p>Carbon monoxide mg Nm-3</p> <p>Volatile Organic Compounds (as carbon) mg Nm-3</p> <p>Dioxins (ITEQ) mg Nm-3</p> <p>Fluorides (as HF) mg Nm-3</p> <p>Phosphorus (as P<sub>2</sub>O<sub>5</sub>) mg Nm-3</p> <p>Copper and its compounds (as metal) mg Nm-3</p>

Aspect considered	Decision
	<p>Zinc and its compounds (as metal) mg Nm-3</p> <p>Lead and its compounds (as metal) mg Nm-3</p> <p>Cadmium, arsenic, nickel and their compounds taken together (as elements) mg Nm-3</p> <p><b>Emissions to surface water:</b></p> <p>Suspended Solids mg l-1</p> <p>pH max</p> <p>pH min</p> <p>Cadmium and its compounds (as Cd) mg l-1</p> <p>Nickel and its compounds (as Ni) mg l-1</p> <p>Copper and its compounds (as Cu) mg l<sup>-1</sup></p> <p>Lead and its compounds (as Pb) mg l<sup>-1</sup></p> <p>Zinc and its compounds (as Zn) mg l<sup>-1</sup></p> <p><b>We have decided that monitoring should be amended for the following parameters, using the methods detailed and to the frequencies specified:</b></p> <p>Particulate matter- Daily monitoring for visible dust emissions.</p> <p><b>We have decided that monitoring should be added for the following parameters, using the methods detailed and to the frequencies specified:</b></p> <p>Process buildings and external areas of the site- Continuous monitoring of pressure in dust abatement system to highlight potential technical issues.</p> <p>Diesel Storage tank, site surfacing- Weekly integrity checks.</p> <p>As the site is being varied to only allow IBA treatment activities it no longer needs the same level of monitoring as the old higher risk activities. This is supported by the updated modelling of emissions to air which showed that no environmental assessment levels are breached (see key issues section). The change in operations at the site has also meant that all activities are carried out within a building with sealed drainage, meaning that only clean roof/yard run off from rain will go to the lagoon before discharge to surface water.</p>
Reporting	<p><b>We have deleted reporting in the permit for the following parameters:</b></p> <p><b>Emissions to Air:</b></p> <p>Gas Flow m3s-1</p> <p>Particulate mg Nm-3</p> <p>Oxides of nitrogen (as NO<sub>2</sub>) mg Nm<sup>-3</sup></p> <p>Sulphur dioxide mg Nm-3</p> <p>Hydrogen Chloride mg Nm-3</p> <p>Carbon monoxide mg Nm-3</p> <p>Volatile Organic Compounds (as carbon) mg Nm-3</p>

Aspect considered	Decision
	<p>Dioxins (ITEQ) mg Nm-3</p> <p>Fluorides (as HF) mg Nm-3</p> <p>Phosphorus (as P2O5) mg Nm-3</p> <p>Copper and its compounds (as metal) mg Nm-3</p> <p>Zinc and its compounds (as metal) mg Nm-3</p> <p>Lead and its compounds (as metal) mg Nm-3</p> <p>Cadmium, arsenic, nickel and their compounds taken together (as elements) mg Nm-3</p> <p><b>Emissions to surface water:</b></p> <p>Suspended Solids mg l-1</p> <p>pH max</p> <p>pH min</p> <p>Cadmium and its compounds (as Cd) mg l-1</p> <p>Nickel and its compounds (as Ni) mg l-1</p> <p>Copper and its compounds (as Cu) mg l-1</p> <p>Lead and its compounds (as Pb) mg l-1</p> <p>Zinc and its compounds (as Zn) mg l-1</p> <p><b>We have amended reporting in the permit for the following parameters:</b></p> <p>Particulate matter- Annual reporting on parameters as required by condition 3.5.1 from Dust extraction emission stacks.</p> <p>As the site is being varied to only allow IBA treatment activities it no longer needs the same level of reporting as the previous higher risk activities. This is supported by the updated modelling of emissions to air which showed that no environmental assessment levels are breached (see key issues section). The change in operations at the site has also meant that all activities are carried out within a building with sealed drainage, meaning that only clean roof/yard run off from rain will go to the lagoon before discharge to surface water.</p>
<b>Operator competence</b>	
Management system	There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.
Technical competence	<p>Technical competence is required for activities permitted.</p> <p>The operator is a member of an agreed scheme.</p> <p>We are satisfied that the operator is technically competent.</p>
Relevant convictions	The Case Management System been checked to ensure that all relevant convictions have been declared.



Aspect considered	Decision
	No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
<b>Growth Duty</b>	
Section 108 Deregulation Act 2015 – Growth duty	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>

# Consultation

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public, and the way in which we have considered these in the determination process.

## Responses from organisations listed in the consultation section

<b>Response received from</b>
Local Planning Authority- Walsall Council
<b>Brief summary of issues raised</b>
No comments.
<b>Summary of actions taken or show how this has been covered</b>
No action required.

No responses were received from any other consulted organisation or public consultation from website advertising.